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09/890,532	04/15/2002	Kurt Burger	R.35252	3306
2119 7590 12/28/2006 RONALD E. GREIGG GREIGG & GREIGG P.L.L.C. 1423 POWHATAN STREET, UNIT ONE ALEXANDRIA, VA 22314			EXAMINER BEISNER, WILLIAM H	
			ART UNIT 1744	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		12/28/2006	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/890,532

Applicant(s)

BURGER ET AL.

Examiner

William H. Beisner

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24-28 and 33-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 24-28 and 33-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 33-44 are rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. Fluid communication provided between the interior of the vessel and the chamber holding the vessel is critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure. Also the feature that the same gas provided for the sterilization of the inside of the vessel is used for sterilization of the outside of the vessel is critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976). Note as discussed on page 10, lines 8-21, the "leakage groove" is essential to the invention, if not, the required pressures ratios would not be capable of being generated using only the disclosed gas source (6) and pump (9). The instant disclosure fails to convey to one of ordinary skill in the art at the time the invention was filed that the invention can be practiced without the "leakage groove" and/or fluid communication between the vessel and chamber. As a result, undue experimentation would be required to practice the invention in any other manner.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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4. Claims 35, 37 and 41-44 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 35 is indefinite because it is not clear if the additional claim limitation of “establishing a flow” and related steps are additional steps with respect to the steps of claims 33 and 34 or further limitations of the previously recited steps in claims 33 and 34. Also how can a flow of gas exist between the vessel and chamber when claim 34 recites that the interior area of the vessel is connected to a feed line shielded from the interior of the chamber? Claim 37 is indefinite because it depends from indefinite claim 35.

In claim 40, how can a flow of gas exist between the vessel and chamber when claim 39 recites that the interior area of the vessel is connected to a feed line shielded from the interior of the chamber? Claims 43 and 44 are indefinite because they depend from indefinite claim 40.

In claim 41, how can a flow of gas exist between the vessel and chamber when claim 39 recites that the interior area of the vessel is connected to a feed line shielded from the interior of the chamber? Claim 42 is indefinite because it depends from indefinite claim 41.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 33, 34, 36 and 38-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fayet et al. (WO 97/44503) in view of either of Menashi (US 3,383,163) or Darras (WO 99/49991 or US 6,919,114).

The reference of Fayet et al. discloses a method of sterilizing vessels wherein selective excitation of the plasma is effected in the interior region of the vessel by separate control (pressure gradient) of the pressure inside and outside the vessel (1) (See page 1, lines 10-15, and

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Figure 1). The plasma excitation takes place as a result of a pressure sufficiently below atmospheric pressure (See page 5, lines 18-22).

Claim 33 differs by reciting that the exterior region of the vessel is also sterilized at a different time.

The references of Menashi and Darras all disclose that it is known and/or desirable to treat or sterilize the exterior region of a vessel with plasma excited with electromagnetic oscillations. The reference of Menashi discloses sterilization of both the interior and exterior of the vessel (See Figure 4 and related text). The reference of Darras discloses that it is known in the art to separately treat the exterior region and interior region of a vessel (See column 3, lines 39-49 of US 6,919,114).

In view of either of these references, it would have been obvious to one of ordinary skill in the art to alter the pressure conditions within the system of the primary reference for the known and expected result of also selectively treating the exterior surface of the vessel, since it is known and desirable in the art to treat both the interior and exterior regions of a vessel as evidenced by the references of Menashi and Darras. Treating the vessel at different times by selective control of the pressures for exciting the plasma would be desirable as evidenced by the disclosure of Fayet et al. which discloses that selective control of the pressure reduces energy consumption of the system (See page 3, lines 1-11, and page 4, lines 18-29).

Note the step of introducing a plasma gas into the interior of the vessel, meets the claim language of claim 33 reciting "introducing a gas suitable for exciting a plasma into the chamber and into the interior area of the vessel" since the vessel is held within the chamber.

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With respect to claim 34, the gas suitable for exciting plasma is introduced into the interior area of the vessel via a feed line (6) shielded from the interior of the chamber.

With respect to claim 36, the chamber is evacuated prior to introducing the gas (See page 8, lines 18-19).

With respect to claim 38, gas would be provided to the chamber when exciting the exterior region of the vessel as suggested by the modification of the reference of Fayet et al. as discussed above.

With respect to claims 39 and 40, the resulting method would include providing a vessel within chamber (2) and supplying a gas (6') suitable for excitation and the required gas pressures are maintained between the vessel interior and chamber (See page 5, lines 18-22).

9. Claims 24, 25, 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fraser et al.(US 3,851,436) in view of Hoeck (US 4,544,529) or Schulte (US 2,501,193).

The reference of Fraser et al. discloses a plasma sterilization device that includes a chamber (1'), a conduit means (5'') connected via feed line (5') with a gas supply (3) located outside the chamber (1'). The device includes a pump (13) connected to the chamber (1') and a plasma source (6',8') mounted on the outside of the chamber (1') and operable to excite plasma in the chamber (1').

With respect to claim 24, while the reference of Fraser et al. discloses a structure for supporting vessel (2) while holding the vessel within the chamber and also connecting the vessel to the plasma gas source (See Figure 2), claim 24 differs by reciting that the vessel is supported on a cone with a leakage groove.

The reference of Hoeck (US 4,544,529) disclose a structure for holding a container while exposing the container to a sterilization gas wherein the holder includes a cone (15) that includes a groove forming member (13) such that gas can flow from the interior of the container to the exterior of the container (See Figure 1 and column 4, lines 1-26).

The reference of Schulte disclose a structure for holding a container while exposing the container to a sterilization gas wherein the holder includes a cone (8) that includes a groove forming member (11) such that gas can flow from the interior of the container to the exterior of the container (See Figure 2).

In view of either of these teachings, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the cone or funnel structure of the reference of Hoeck or Schulte as a device for supporting and communicating the plasma gas with the interior of a vessel in the system of the primary reference when sterilizing vessels with a single opening for the known and expected result of providing an art recognized means for allowing a sterilization gas to contact the interior and exterior of a vessel to be sterilized.

With respect to claim 25, in the absence of a showing of criticality and/or unexpected results, it would have been obvious to one of ordinary skill in the art to optimize the opening formed by the grooves for the known and expected result of ensuring that enough back-pressure is created within the container interior to ensure that the gas contacts the interior of the container a sufficient amount of time to ensure sterilization of the interior of the container.

With respect to claim 27, both the references of Hoeck and Schulte disclose the use of the cones structures in combination with carriers or boxes (See element (3) of Hoeck and element (3)

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of Schulte) that include flange portions that allow the cones to be communicated with a source of sterilization gas.

With respect to claim 28, the device is capable of treating plastic or glass vessels.

10. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fraser et al.(US 3,851,436) in view of Hoeck (US 4,544,529) or Schulte (US 2,501,193) taken further in view of Schroeder et al.(US 6,328,928 or WO 98/30491).

The combination of the references of Fraser et al. with either Hoeck or Schulte has been discussed above.

Claim 26 differs by reciting that the system employs a chain link conveyor.

The reference of Schroeder et al. discloses that it is conventional in the art to employ endless chain conveyors for conveying a plurality of vessels with a sterilization system (See column 2, lines 10-14).

In view of this teaching and in the absence of a showing of criticality and/or unexpected results, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ an endless chain conveyor with the system of the modified primary reference for the known and expected result of allowing a plurality of vessels to be passed through the sterilization system so as to avoid the need to manually open and close the chamber between sterilization cycles. Use of a conveyor system would increase the efficiency and number of vessels that can be sterilized when compared to a manual operation.

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11. Claims 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fayet et al.(WO 97/44503) in view of Hoeck (US 4,544,529) or Schulte (US 2,501,193).

The reference of Fayet et al. discloses a plasma sterilization device that includes a chamber (2), a conduit means (3') connected via feed line with a gas supply (6') located outside the chamber (2). The device includes a pump (vacuum) connected to the chamber and a plasma source (5) mounted on the outside of the chamber (2) and operable to excite plasma in the chamber (2).

With respect to claim 27, both the references of Hoeck and Schulte disclose the use of carriers or boxes (See element (3) of Hoeck and element (3) of Schulte) that include flange portions that allow the cones to be communicated with a source of sterilization gas.

In view of this teaching, it would have been obvious to one of ordinary skill in the art to provide a carrier box to support and communicate a plurality of vessels with a gas source as is conventional in the art of sterilization as evidenced by the references Hoeck and Schulte.

With respect to claim 28, the device is capable of treating plastic or glass vessels.

12. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fayet et al.(WO 97/44503) in view of Schroeder et al.(US 6,328,928 or WO 98/30491).

The reference of Fayet et al. discloses a plasma sterilization device that includes a chamber (2), a conduit means (3') connected via feed line with a gas supply (6') located outside the chamber (2). The device includes a pump (vacuum) connected to the chamber and a plasma source (5) mounted on the outside of the chamber (2) and operable to excite plasma in the chamber (2).

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Claim 26 differs by reciting that the system employs a chain link conveyor.

The reference of Schroeder et al. discloses that is it conventional in the art to employ endless chain conveyors for conveying a plurality of vessels with a sterilization system (See column 2, lines 10-14).

In view of this teaching and in the absence of a showing of criticality and/or unexpected results, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ an endless chain conveyor with the system of the primary reference for the known and expected result of allowing a plurality of vessels to be passed through the sterilization system so as to avoid the need to manually open and close the chamber between sterilization cycles. Use of a conveyor system would increase the efficiency and number of vessels that can be sterilized when compared to a manual operation.

Allowable Subject Matter

13. Claims 35, 37 and 41-44 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 1st and 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

14. The following is a statement of reasons for the indication of allowable subject matter:

Claims 35, 37 and 41-44 would be allowable because while the prior art of record suggests the use of a pressure gradient between the interior of a vessel and the exterior of the vessel while held within a plasma treatment chamber for selectively and/or sequentially treating the interior and exterior surface of the vessel, the prior art of record does not teach or fairly

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suggest a method that includes and/or provides a flow of gas and/or gas communication between the vessel interior and the chamber interior.

Response to Arguments

15. With respect to the rejection of Claims 15-23 and 29-32 under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling, Applicants remark (See page 9 of the response dated 10/15/2006) that the rejection has been rendered moot “because claims 15-23, 29, 31 and 32 have been canceled and replaced by new method claims 33-44 written more along the lines of typical method claims in a US application”.

In response, while cancellation of claims 15-23, 29, 31 and 32 has made the rejection moot, the same rejection has been applied to new claims 33-44 because they are deemed to lack the critical features discussed in the rejection under 35 USC 112, 1st. Applicants’ comments are silent as to how new claims 33-44 overcome the previous rejection set forth with respect to claims 15-23, 29, 31 and 32.

16. With respect to the rejection of Claims 15-23 and 29-32 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, Applicants remark (See page 9 of the response dated 10/15/2006) that the rejection has been rendered moot “because claims 15-23, 29, 31 and 32 have been canceled and replaced by new method claims 33-44 written more along the lines of typical method claims in a US application”.

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In response, while the rejection of claims 15-23, 29, 31 and 32, has been rendered meet by Applicants' amendments, new claims 35, 37 and 41-44 are indefinite for the reasons set forth in the rejection under 35 USC 112, 2nd paragraph above.

17. With respect to the rejection of Claims 15-23, 29, 31 and 23 under 35 U.S.C. 103(a) as being unpatentable over Fayet et al.(WO 97/44503) in view of either of Menashi (US 3,383,163) or Darras (WO 99/49991 or US 6,919,114), Applicants argue (See pages 9-10 of the response filed 10/15/2006) that the rejection is moot in view of new claim 33 because none of the references teach the steps required of new claim 33.

In response, the Examiner is of the position that the combination of the references meets the claim limitations required of claim 33. First, the reference of Fayet et al. clearly discloses that the interior of a vessel can be treated by creating a pressure gradient between the interior of the vessel and a chamber in which the vessel is held so as to only generate plasma on the interior surface of the vessel. The additional prior art references suggest that it is known in the art to also treat the exterior of a vessel. In view of this teaching, the Examiner maintains that it would have been within the purview of one having ordinary skill in the art to modify the method of the primary reference to also treat the exterior surface of the vessel using the pressure gradient control disclosed by the primary reference. The Examiner maintains that one of ordinary skill in the art would be capable of modifying the pressure conditions and gas sources so as to selectively treat the interior and exterior of a vessel for the reasons set forth in the 35 USC 103 rejection above.

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18. With respect to the rejection of Claims 24, 25, 27 and 28 under 35 U.S.C. 103(a) as being unpatentable over Fraser et al.(US 3,851,436) in view of Hoeck (US 4,544,529) or Schulte (US 2,501,193), Applicants argue (See pages 10-12 of the response filed 10/15/2006) that none of Fraser et al., Hoeck and Schulte teaches or suggests the apparatus recited in claims 24 or 27.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case, the Examiner is of the position that the combination of the references structurally meets the claim features of claims 24, 25, 27 and 28.

19. With respect to the rejection of claim 26 under 35 USC 103 over the combination of the references of Fraser et al. and Hoeck or Schulte taken further in view of Schroeder, Applicants argue (See pages 12-13 of the response dated 10/15/2006) that none of Fraser et al., Hoeck, Schulte and Schroeder teaches or suggests the apparatus recited in claim 26.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case, the Examiner is of the position that the combination of the references structurally meets the claim features of claim 26. Note both the references of Fraser et al. and Schroeder disclose "ducts" or tubes for supplying vacuum or gas to the vessel interiors.

20. With respect to the rejection of Claims 27 and 28 under 35 U.S.C. 103(a) as being unpatentable over Fayet et al.(WO 97/44503) in view of Hoeck (US 4,544,529) or Schulte (US 2,501,193), Applicants argue (See pages 13-16 of the response filed 10/15/2006) that the rejection is improper for the following reasons:

First, neither of the references of Hoeck nor Schulte teaches a transport box. Applicants stress that a box has four sides with a top and bottom.

In response, the Examiner maintains that the structures of Hoeck and Schulte both meet the structure of a box. A box is merely a structure defining a container or enclosure. As a result, the area defined by element (3) of Hoeck is considered to meet the structure of a box. Note element (3b) of Hoeck along with element (3) forms a space or enclosure which is considered to be a box. Also, elements (3 or B) of Schulte form a space or enclosure which is considered to be a box.

Applicants also argue that there is not motivation to combine the teachings of Hoeck or Schulte with the reference of Fayet et al. because the references of Hoeck and Schulte are drawn to sterilizing bottles using steam.

In response, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). In this case, both the primary reference and secondary references are concerned with sterilizing the interior surface of a

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container or bottle with a sterilizing agent. All the references support the containers such that the interior surface of the container can be contacted with an external source of treating agent, as is conventional in the art and required of the primary reference.

21. With respect to the rejection of Claim 26 under 35 U.S.C. 103(a) as being unpatentable over Fayet et al.(WO 97/44503) in view of Schroeder et al.(US 6,328,928 or WO 98/30491), Applicants argue (See pages 16-17) that the rejection is improper because there is not motivation to combine the diverse teachings of the references of Schroeder with the teachings of Fayet and because the reference of Schroeder et al. does not disclose the structure required of claim 26.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the reference of Schroeder et al. has been cited to evidence that it is known in the sterilization art to employ chain link conveyors for moving a container to a sterilization treatment station. As a result, one of ordinary skill in the art would have recognized that the use of chain link conveyors in the system of Fayet et al. would increase the efficiency and number of vessels that can be sterilized when compared to a manual operation.

Also, in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on

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combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case, it is the combination of the references of Fayet al. and Schroeder that are considered to meet the limitations of claim 26, not the reference of Schroeder alone.

Conclusion

22. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

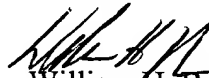
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Beisner whose telephone number is 571-272-1269. The examiner can normally be reached on Tues. to Fri. and alt. Mon. from 6:15am to 3:45pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys J. Corcoran can be reached on 571-272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


William H. Beisner
Primary Examiner
Art Unit 1744

WHB